

Exhibit No. 2

**EXHIBIT 2**  
**ITEMIZATION OF DAPHNE E. BARBEE'S ATTORNEY'S FEES**  
**Ware v. Chertoff, Civil No. 04-00671 HG/LEK**

<u>Date:</u>	<u>Work Description:</u>	<u>Hours:</u>
9-5-03	Client Consultation, Meeting with EEO investigator	1.5
9-5-03	Designation of Rep to Office of Civil Rights	.1
9-8-03	Client Consultation	1.5
9-8-03	Letter to TSA Civil Rights	.1
9-8-03	Review documents and assist in EEO complaint	2.0
10-20-03	Letter from TSA EEO, re: Discrimination complaint	.3
10-20-03	Review with Client	.2
10-28-03	Letter to TSA, re: EEO Complaint	.1
11-21-03	Letter to TSA, re: Office of Civil Rights	.1
11-26-03	Letter to Sidney Hayakawa, re: Discrimination	.2
12-06-03	Read FOIA letter to Mr. Ware and Attorney	.2
12-24-03	Letter to Ware	.1
12-31-03	Letter to TSA Human Resource, re: Discipline Review	.2
1-2-04	Letter to Office of Civil Rights, Assist in EEO complaint Client Consultation	1.5
1-5-04	Letter to Ware	.1
3-1-04	Letter to TSA	.1
3-20-04	Client Consultation, re: Affidavit for EEO	2.0
3-20-04	Letter from EEO investigator	.1
3-22-04	Client Consultation	1.0

3-23-04	Letter to EEO	.1
3-31-04	Letter to EEO investigator	.2
4-15-04	Letter from TSA, re: Ware Complaint, Client Consultation	.5
5-20-04	Rebuttal Declaration, Client Consultation	1.5
5-20-04	Letter from EEO investigator	.2
6-12-04	Received and Reviewed EEO Report of Investigation	4.5
7-7-04	Letter to TSA requesting EEO investigation report	.1
7-25-04	Researched and Prepared Complaint	1.0
7-26-04	Complaint	1.5
8-4-04	Letter to TSA requesting EEO investigation report	.1
8-17-04	Review letter from TSA and EEO file	2.5
8-20-04	Request for Final Decision	.1
8-20-04	Client Consultation	2.0
8-24-04	Letter from TSA	.2
11-10-04	Researched and Prepared Complaint	2.0
11-12-04	Completed and Filed Complaint	.5
1-24-05	T/C and Agreement to Stipulate Time to Answer Complaint	.2
1-25-05	Review Stipulation	.1
1-31-05	Report Draft of Parties Planning Meeting	.3
2-1-05	Review Answer to Complaint	.2
2-1-05	Review Defendant's Scheduling Conference	.1
2-3-05	Prepare Plaintiff's Scheduling Conference Statement	.4

2-7-05	Attended Scheduling Conference in Court	.4
2-8-05	Reviewed Scheduling Conference Order	.2
4-9-05	Review Letter from Client	.1
6-1-05	Motion and Stip to Amend Rule 16 Conference Order	1.0
7-25-05	Status Conference	.4
7-27-05	Client Conference	1.0
9-12-05	Status Conference	.3
9-16-05	Review Amended Rule 16 Conference	.2
9-26-05	Review Defendant's Answer to Amended Complaint	.2
9-30-05	Prepare Plaintiff's Response to Interrogatories, Client Conference	2.5
9-30-05	Prepare Plaintiff Request for Interrogatories to Defendant	2.0
11-9-05	Stipulated Protective Order, re: Personnel Files	.5
11-23-05	Review Defendant's Response to Plaintiff's First Requests for Answers to Interrogatories and Production of Documents	1.5
12-11-05	Prepared Motion to Compel, re: Personnel Files	1.0
12-12-05	Complete Plaintiff's Motion to Compel	2.5
12-28-05	Reviewed Defendant's Memorandum in Opposition	1.0
1-3-06	Reply to Defendant's Memorandum in Opposition	1.0
1-12-06	Review Judge Kobayashi's Court Order inclination	.4
1-13-06	Hearing on Motion to Compel	1.0
1-22-06	Letter to Helper, re: Personnel records of TSA employees promoted over Ware	.2
3-16-06	Letter to Helper, re: Personnel files discovery and screening	.2

3-20-06	Plaintiff's Second Motion to Compel	2.5
3-24-06	Read Order, re: Hearing	.1
3-29-06	Status Conference	.5
4-3-06	Read Amended Rule 16 Scheduling Conference	.1
4-27-06	Status, re: Motion to Compel, Reviewed Defendant's Memo in Opposition to Plaintiff's Second Motion to Compel Discovery	1.5
4-28-06	Read Email EEO Status, re: Motion to Compel	.1
5-4-06	Plaintiff's Reply Memorandum	1.5
5-5-06	Court's EEO and Order on Second Motion to Compel	1.0
5-8-06	Plaintiff's Supplemental Authority, re: Second Motion to Compel	1.5
5-12-06	Legal Research	3.0
5-13-06	Letter to Attorney Helper, re: Personnel Records	.2
5-15-06	Hearing on Motion to Compel	.5
5-15-06	Client Conference	.2
5-17-06	Letter to Helper, re: Production of Documents	.1
5-17-06	Plaintiff's Request for Production of Document to Defendant	1.5
5-20-06	Reviewed Order, re: Motion to Compel	3.0
6-14-06	Review Defendant's Motion for Summary Judgment and Concise Statements	3.5
6-15-06	Legal research, re: Defendant's Motion for Summary Judgment	4.0
6-28-06	Motion to Continue Summary Judgment	.5
6-28-06	Letter, re: Dismissal of EEO Complaint from Department of Homeland Security	.1

7-12-06	Reviewed Defendant's Response to Plaintiff's Request for Production of Documents	2.0
8-20-06	Legal Research	4.5
8-21-06	Legal Research	4.5
8-28-06	Plaintiff's Memo in Opposition to Defendant's Motion for Summary Judgment	5.0
8-28-06	Plaintiff's Concise Statement	3.0
8-30-06	Plaintiff Amendment to Memo in Opp to Defendant's Motion for Summary Judgment	2.5
9-7-06	Reviewed Defendant's Response to Summary Judgment	3.0
9-14-06	Plaintiff's Supplemental Response to Defendant's Concise Statements	2.5
9-18-06	Hearing	.5
9-18-06	Reviewed Court's Order	.2
9-21-06	Reviewed Amended Rule 16 Schedule	.1
9-22-06	Reviewed Change of Pretrial Conference Date	.1
9-25-06	Reviewed Amended Pretrial Conference	.1
11-14-06	Plaintiff's Notice of Deposition	.1
12-18-06	Prepare Kamahele Deposition	4.5
12-18-06	Stipulation to Continue Discovery Deadline	.3
12-19-09	Kamahele Deposition (9:00 a.m. – 11:45 a.m.)	2.7
12-19-06	Letter to Kamahele's Attorney, re: Deposition and Objections	.2
12-20-06	Client Consultation	1.0
2-2-07	Letter brief to Judge Kobayashi, re: Kamahele discovery	1.0

2-5-07	Review Kamahele's attorney's letter brief	1.0
2-5-07	Read Discovery Order	.1
2-8-07	Discovery Conference, re: Kamahele	.2
4-3-07	Status Conference	.2
4-9-07	Amended Rule 16 Order	.2
5-9-07	Signed Stipulation, re: Continuance of Deadline	.1
5-9-07	Letter from Helper	.3
5-11-07	Discussed, Reviewed, and Signed Stipulation Protective Order	.5
5-14-07	Reviewed Defendant's Second Motion to Dismiss	3.0
5-17-07	Reviewed Defendant's Concise Statement	1.5
5-25-07	Declaration of Drake	1.0
5-25-07	Client Conference	.5
5-28-07	Discovery dispute legal research	4.0
5-28-07	Letter to Judge Kobayashi, re: Discovery Dispute	1.5
6-25-07	Legal Research	6.5
6-27-07	Reviewed and Signed Defendant's Stipulation to Continue Summary Judgment Hearing	2.0
7-2-07	Legal Research	4.5
7-2-07	Met witness Drake	.5
7-2-07	Drafted Plaintiff's Motion in Opposition	4.5
7-2-07	Drafted Plaintiff's Concise Statement	4.0
7-3-07	Finished Draft of Plaintiff's Memo in Opp	5.5
7-3-07	Drafted Plaintiff's Concise Statement	3.0

7-12-07	Reviewed Defendant's Reply Memorandum	2.0
7-20-07	Letter from Helper, re: Hayakawa	.2
7-23-07	Hearing on Second Summary Judgment	.5
7-24-07	Plaintiff's Redacted Exhibits	1.0
8-1-07	Plaintiff's Review of Order	.3
8-6-07	Milagros Drake Deposition	2.5
8-6-07	Client Conference	.3
8-7-07	Review Amended Rule 16	.2
9-27-07	Reviewed Defendant's Third Motion for Summary Judgment	2.0
9-28-07	Legal Research	3.0
10-1-07	Letter to MSPB, re: Kamahale decision	.1
10-19-07	Legal Research	8.0
11-19-07	Prepared Plaintiff's Concise Statement	3.5
11-21-07	Plaintiff's Concise Statement	4.0
11-21-07	Plaintiff's Memo in Opp to Defendant's Third Motion for SJ	6.5
11-30-07	Consult with client	1.0
11-30-07	Prepare for Hearing	1.5
12-10-07	Third Summary Judgment Motion Hearing	1.0
12-17-07	Prepare Pretrial Statement	1.0
12-20-07	Read Summary Judgment Order	1.0
12-21-07	Read Defendant's Pretrial Statement	.3
12-30-07	Plaintiff's Third Request for Production of Documents	1.0



1-3-08	Pretrial Conference	.5
1-8-08	Ware Consultation	2.5
1-10-08	Ware Deposition Prep	2.0
1-11-08	Ware Deposition ( Court reporter late)	1.0
1-11-08	Ware Deposition (11:00 a.m. – 3:53 p.m.)	4.0
1-14-08	Discussion, re: Exhibits	1.0
1-14-08	Trial Prep and Legal Research	4.0
1-15-08	Review Stipulation, re: Exhibits	.2
1-15-08	Plaintiff's Opposition to Defendant's Exhibits	.1
1-15-08	Final Naming of Witnesses	1.0
1-15-08	Plaintiff's Motion in Limine No.1	1.0
1-15-08	Legal Research	2.0
1-15-08	Plaintiff's Motion in Limine to Disqualify Ken Kamahele	.5
1-15-08	Plaintiff's Motion in Limine No. 2	.5
1-15-08	Research and Review Defendants Motion in Limine to Exclude Witness not Disclosed by Plaintiff Prior to Discovery Deadline	2.0
1-16-08	Letter to Helper, re: Witnesses	.1
1-16-08	Review Defendants Motion in Limine, re: Personnel Decisions other than Plaintiff Research Motion for Reply	3.0
1-17-08	Prepared Settlement Conference Statement	2.5
1-18-08	Settlement Conference	.5
1-19-08	Witness trial Prep	2.5
1-21-08	Plaintiff's Trial Memorandum	2.0

1-22-08	Review Helper letter, re: Witness phone number and address	.1
1-22-08	Witnesses Consultation	1.0
1-22-08	Letter to Helper, re: Stip to Adverse Employment Action	.1
1-22-08	Prepare Plaintiff Voir Dire Questions	2.5
1-22-08	Reviewed Defendant's Proposed Voir Dire	1.0
1-22-08	Reviewed Defendant's Proposed Jury Instructions	1.5
1-22-08	Reviewed Defendant Statement, re: Plaintiff Motion in Limine No. 2	.2
1-22-08	Plaintiff's Reply to Defendants Motion in Limine, re: Personnel Decisions other than Plaintiff	2.0
1-22-08	Plaintiff's Reply to Defendants Motion in Limine to Exclude Witnesses	2.5
1-22-08	Plaintiff's Concise Statement of the Case	.3
1-23-08	Review Defendant's Memo in Opp to Motion in Limine No. 1	1.0
1-23-08	Review Defendant's Memo in Opp to Motion to Disqualify Ken Kamahele and Research Case	1.0
1-23-08	Reviewed Defendants Trial Brief	1.0
1-24-08	Legal Research	2.0
1-24-08	Letter to Court, re: Cases on hearsay	.1
1-25-08	Trial Prep, Review of Documents	2.5
1-25-08	Pretrial and Hearing on Motion in Limine	1.0
1-28-08	Plaintiff's Response to Order Requiring Written Proffers	1.0
1-29-08	Final Pretrial and Second Hearing on Motion in Limine	.5
1-30-08	Ware Trial Prep	3.0

2-2-08	Trial Prep and Review of documents	6.5
2-3-08	Review Documents (Personnel Records given)	6.0
2-4-08	Review Personnel Records	4.5
2-6-08	Letter to Witnesses (Walter, Sundobal, Abdul Shafiq, Wiley)	.3
2-7-08	Plaintiff's Second Response to Order Requiring Proffer	2.0
2-11-08	Pretrial Conference	.5
2-26-08	Letter and Subpoena to Wiley	.1
2-26-08	Letter and Subpoena to Sundobal	.1
2-26-08	Letter and Subpoena to Abdul Shafiq	.1
2-26-08	Letter and Subpoena to Waters	.1
2-26-08	Letter and Subpoenas to Helper	.1
2-27-08	Letter to Judge Gillmor, re: New S.Ct Case, SCI/Management	.1
3-3-08	Consult with Witness Wiley	.2
3-4-08	Motion to Allow Videotape Witness Testimony	1.0
3-4-08	Ex Parte Motion Hear Motion to Allow Videotape	.5
3-5-08	Letter to Judge Gillmor	.1
3-5-08	Client Consultation, Witness Prep	1.0
3-5-08	Trial Prep	4.0
3-8-08	Trial Prep	8.0
3-9-08	Trial Prep	4.5
3-10-08	Letter to Court, re: Trial and Laryngitis	.1
3-10-08	Trial Prep	3.5

3-10-08	Status Conference by Phone	.2
3-10-08	Review Court's Order, re: Motion in Limine	1.0
3-11-08	Jury Trial, Voir Dire (9:00 a.m. – 12:00 p.m.)	3.0
3-11-08	Trial Prep (1:30 p.m. – 9:30 p.m.)	8.0
3-12-08	Plaintiff's Second Proposed Jury Instructions and Verdict Forms	1.0
3-12-08	Reviewed Defendant's Supplemental Jury Instructions	.5
3-12-08	Read Defendant's Motion to Bifurcate	.5
3-12-08	Meet and Confer, re: Instructions	.5
3-12-08	Jury Trial (9:00 a.m. – 12:00 p.m., 1:30 p.m. – 4:30 p.m.)	6.0
3-12-08	Trial Prep (5:30 p.m. – 9:00 p.m.)	3.5
3-13-08	Jury Trial (9:00 a.m. – 12:00 p.m.)	3.0
3-14-08	Jury Trial (9:00 a.m. – 4:30 p.m.)	7.5
3-14-08	Jury Instructions (4:30 p.m. – 5:45 p.m.)	1.25
3-17-08	Jury Trial (9:00 a.m. – 12:00 p.m.)	3.0
3-18-08	Jury Deliberations, Answer Two Jury Questions	1.0
3-19-08	Jury Deliberations, Client Meeting	1.0
3-20-08	Jury Verdict	.5
3-24-08	Legal Research	2.5
3-25-08	Prepare Motion for Determination of Back Pay	6.5
3-28-08	Prepare Motion to Amend Judgment	4.5
4-1-08	Research and Prepare Attorney Fees	8.5
4-2-08	Research and Prepare Costs	2.0

4-3-08	Prepare Attorney Fees and Memorandum	2.5
4-3-08	Status Settlement Conference	.5
4-4-08	Review Attorney Fees request and Costs and Memo	4.5

<b>TOTAL HOURS .....</b>	<b>369.45</b>
<b>x \$350.00/hour .....</b>	<b>\$129,307.50</b>
<b>x 4.7 GE Tax .....</b>	<b><u>\$6077.45</u></b>
<b>TOTAL AMOUNT .....</b>	<b>\$135,384.95</b>